

Filed for intro on 02/08/95
Senate Bill _____
By _____

House No. HB0812
By Gunnels

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 33 and Title 55, Chapter 50, relative to increasing the penalty for driving on a suspended or revoked driver's license.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-33-201, is amended by adding the following section number in proper numerical order: "55-50-504."

SECTION 2. Tennessee Code Annotated, Section 55-50-504(a), is amended by adding the following as a new subdivision:

(3)

(A) In addition to all other penalties and fines, a person convicted of a violation of (a)(1) shall surrender the vehicle used in the offense to the agency effecting the arrest, to be impounded for thirty (30) days.

(B)

(i) In addition to all other penalties and fines, a person convicted of a violation of (a)(2) shall surrender and forfeit the vehicle used in the offense to the agency effecting the arrest, to be sold subject to the

general forfeiture procedures of Tennessee Code Annotated, Title 40, Chapter 33, Part 2.

(ii) All vehicles forfeited under the provisions of this section shall be sold at public sale by the county sheriff at the direction of the court having jurisdiction over the property in the manner provided by law for judicial sales in civil cases. Subject to the provisions of Section 40-33-110, the proceeds which inure to the local governing body under the provisions of this part shall be earmarked and used exclusively for “driving under the influence” education and law enforcement purposes in such county or municipality. All purchases made from proceeds derived from any vehicle forfeiture pursuant to this section which are for use in the “driving under the influence” education and enforcement program of either a county or a municipality shall be made in accordance with existing purchasing statutes, including private acts which establish purchasing provisions or requirements for such county or municipality.

(iii) If the person convicted of (a)(2) is not the sole unencumbered owner of the vehicle, the court having jurisdiction over the property shall make a reasonable effort to notify the owner and/or lienholder of the forfeiture by furnishing all parties known to have an interest in the vehicle with a notice.

A forfeiture of a vehicle encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.

Bona fide liens against property so forfeited shall, on good cause shown by the lienor, be transferred from the property to the proceeds of the sale of the property, except that the property itself shall be turned over to the lien holder if the lien, as determined by the commissioner, is

greater than the estimated fair market value as established by the
commissioner.

SECTION 3. This act shall take effect on July 1, 1995, the public welfare requiring it.

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